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OFFICE OF PETITIONS

In re Application of Alix et al. :
Application No. 10/050,210 : Decision on Petition
Filing Date: January 15, 2002 :
Attorney Docket No. 33155.8 :

This is a decision on the petition under 37 CFR 1.181, filed April 21, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

Petitioner should note the correct Application Number for the instant application is 10/050,210 and not 10/052, 210.

Facts:

A final Office action was mailed September 15, 2006.

A reply was filed December 20, 2006 (Certificate of Mailing Date of December 14, 2006).

Unfortunately, due to a clerical error, the papers filed December 20, 2006, listed the application number as 10/052,210 rather than 10/050,210. As a result, the papers were matched with the incorrect file.

On or before April 3, 2007, the Office reviewed the file wrapper for the instant application and failed to find a reply to the September 15, 2006 Office action. A Notice of Abandonment was mailed on April 3, 2007.

Discussion:

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

- (1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
- (2) The papers contained sufficient information for the Office to determine the correct application number.

The papers filed December 20, 2006, contained sufficient information for the Office to recognize they included an incorrect application number. The papers filed July 16, 2004, contained sufficient information for the Office to determine the correct application number. Therefore, the petition is granted.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The papers filed on December 20, 2006, have been associated with the correct application file.

Technology Center Art Unit 1764 will be informed of the instant decision and will enter the papers filed timely on December 20, 2006. Thereafter, the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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